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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,662	07/13/2001	Klaus Titzschkau	14506	2238

7590 06/13/2003
Scully Scott Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530

EXAMINER

RAJGURU, UMAKANT K

ART UNIT	PAPER NUMBER
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1711

14

DATE MAILED: 06/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

mx-14

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE —3— MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on Mar 11, 2003 (RCE, paper 13)
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 2-8, 10, 11 and 13 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 2-8, 10, 11 and 13 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

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1. An RCE (paper 13) has been filed on March 11, 2003.
2. Claims being examined are 2-8, 10, 11 and 13.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claim 7 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 is indefinite in containing abbreviations.

Abbreviations in this claim need to be removed.

Claim 7 is also indefinite in containing abbreviations.

5. Objection to claims 2-6, 8, 10 and 11 (see item 5) of prior office action (paper 8) is now withdrawn

Rejection of claims 12 is (item 6 of same office action) is moot, since that claim is cancelled.

6. Claims 2, 3, 7 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hermann et al (USP 3477986).

(Hermann is of record on PTO-1449, paper 5).

Hermann discloses polyamides stabilized with a copper compound and a phosphonium halide (abstract). Polyamides include polycaprolactum (col. 4, lines 16-17). Suitable copper compounds are listed in col. 2, line 71 to col. 3, line 6. Suitable halogen-containing aromatic compounds are given in col. 2, lines 23-63.

Above claims therefore lack novelty.

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7. Claims 2, 3, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hermann et al (USP 3477986).

Disclosure of Hermann is presented earlier.

It could have been obvious to follow teachings of Hermann to arrive at instant invention.

8. Claims 4, 5, 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hermann et al (USP 3477986) as applied to claim 13 above, and further in view of Watanabe et al (USP 5266618), Gijssman (EP 390277), Lee (USP 3865792) and Rody et al (USP 4200026).

(Gijssman and Rody have been cited in earlier office actions).

Disclosure of Hermann is presented earlier.

Hermann does not mention specific compounds of above claims. Watanabe discloses resin composition. One suitable resin is a polyamide (col. 3, line 19). A phosphorus compound such as tris(tri-bromoneopentyl) phosphate (of instant claim 4) is used (col. 5, lines 34-35).

Gijssman discloses polyamide composition containing a halogen substituted organic compound. Such compounds are halogen-substituted epoxy and styrene oligomers or polymers (p. 2, lines 20-24).

Lee discloses polyamide copolymers. In col. 12, line 12, chloroparaffins are disclosed as an additive for flameproofing.

Rody discloses light stabilizers for plastics. Organic phosphites are used as one of suitable stabilizers (col. 63, lines 41-44).

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Therefore it would have been obvious to add to the moldings of Hermann, (a) phosphate/s of Watanabe for imparting flame retardancy and impact strength, (b) halogen substituted compound of Gijssman for stabilization, (c) chloroparaffin of Lee to enhance flame retardancy and (d) organic phosphites of Rody to impart synergistic effect in stabilization.

9. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hermann et al (USP 3477986) as applied to claim 7 above, and further in view of Rody et al (USP 4200026).

Disclosures of both references have been presented earlier.

WKR Hermann does not suggest (claimed) master-^{batch}~~batch~~ (of instant claim 8) and a phosphorus compound (of instant claim 11).

WKR Use of master-^{batch}~~batch~~ is a well-known method in the art.

It would have been obvious to use master batch of copper salt and organic *WKR* halogen compound in order to control the addition of small amounts precisely. It would *WKR* also have been obvious to add to moldings of Hermann, the organic phosph^{ites}ates of Rody for stabilization.

Though claims 7, 8 and 11 are directed to a method, they do not encompass any step other than mixing which is a well-known and quite common step in preparation of a composition.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to U.K. Rajguru whose telephone number is 703-308-

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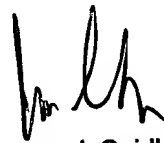
3224. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 703-308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



U. K. Rajguru/mn
June 4, 2003



James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700